

Release  
Date: October 19, 1998  
Release #: S.C. 41/98

## **SUMMARY OF CASES ACCEPTED DURING THE WEEK OF OCTOBER 12, 1998**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#98-141 People v. Ingram, S072712. (D027853; 65 Cal.App.4th 500.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. This case presents an issue, concerning whether a defendant may be convicted of theft when he takes merchandise from a store shelf and presents it to a clerk for exchange as returned merchandise and is allowed to complete the transaction even though store employees have detected the fraud, which is related to an issue before the court in People v. Davis, S062739. (See #97-140.)

#98-142 People v. Newman, S072560. (B114086; 65 Cal.App.4th 352.) Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. This case presents an issue, concerning whether counsel alone may stipulate to the fact of a prior conviction which is an element of a crime or whether the defendant must personally join the stipulation after Boykin/Tahl advice and waivers, which is related to an issue before the court in People v. Thomas, S070580. (See #98-93.)

#98-143 People v. Nguyen, S072471. (H016755; 65 Cal.App.4th 222.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court limited review to whether the increased risk of harm

required to convict of aggravated kidnapping (Pen. Code, §209) rather than simple kidnapping (Pen. Code, §207) may be a risk of psychological harm.

#98-144 People v. Robles, S072243. (G020041; 64 Cal.App.4th 1286.) Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. This case includes an issue, concerning whether a warrantless search of a garage that defendant shared with his brother may be upheld on the ground that defendant's brother was subject to a probation search condition even though police were unaware of the condition at the time of the search, which is related to an issue before the court in People v. Woods, S068741. (See # 98-61.)

#98-145 People v. Zachery, S072705. (E021298.) Unpublished opinion. Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. This case presents an issue, concerning whether a defendant may be simultaneously convicted of both receiving stolen property and burglary, which is related to an issue before the court in People v. Allen, S070028. (See #98-68.)

## **DISPOSITIONS**

#97-132 People v. Fernandez, S062391, was transferred to the Court of Appeal for reconsideration in light of Hubbard v. Superior Court, 66 Cal.App.4th 1163.

#97-177 United Services Automobile Assn. v. Superior Court, S054826, was dismissed and remanded to the Court of Appeal.

#97-178 Polydoros v. Twentieth Century Fox Film Corp., S064868, was dismissed and remanded to the Court of Appeal. The opinion of the Court of Appeal, originally printed at 57 Cal.App.4th 795, was ordered republished.

#97-198 Fireman's Fund Ins. Co. v. Superior Court, S065447, was dismissed and remanded to the Court of Appeal. The opinion of the Court of Appeal, printed at 65 Cal.App.4th 1205, was ordered to remain published.

## **STATUS**

Governor's Letter Requesting Supreme Court of California To Assume Control  
Over Attorney Discipline System; Request of State Bar of California for Special  
Regulatory Assessment, S073756. The court issued an order soliciting public comment  
and briefing, to be submitted by October 28, 1998, on three questions raised by the  
Governor's letter and the State Bar's request, and scheduled the matter for a hearing in  
Sacramento on November 9, 1998 at 1:30 p.m.

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